

MDHS CERTIFICATION MANUAL

ML 21 03-01-92

COOPERATION IN OBTAINING TORT LIABILITY PAYMENTS

12.27

AFDC: AFDC caretakers must comply with the MA provisions of this section to gain or maintain eligibility for AFDC. Children do not lose eligibility due to the caretaker's failure to cooperate. If a caretaker does not cooperate, issue a grant for only the children's needs to a protective payee. See §24.9 (Protective, Vendor, and Two Party Payments), §12.21.6 (Good Cause Exemption From Pursuing Support).

FS: No provisions.

MSA: No provisions; however, MSA clients must comply with MA requirements to maintain automatic eligibility for MA.

MA: Clients must report accidents or injuries to the county agency at application, recertification, or within 10 days of becoming aware of a 3rd party's potential liability for the accident or injury. Deny or terminate eligibility when clients do not cooperate in providing information necessary to determine and pursue 3rd-party liability. If caretakers fail to cooperate, terminate eligibility for them, but not the children receiving assistance.

When clients report injuries or accidents to the county agency, have them complete the Medical Service Questionnaire (DHS-2237). Forward the completed questionnaire to the DHS Benefit Recovery Section (BRS). Send information from 3rd parties about accidents and injuries involving clients to BRS.

BRS sends the Medical Service Questionnaire directly to clients when their medical bills indicate possible involvement in an accident. BRS tells the county agency when clients do not return questionnaires by using the Notification of Second Notice and Overdue Claim Inquiries form (OD-4068). BRS sends the county agency 2nd and overdue questionnaires for mailing to clients.

BRS conducts a data match with the Department of Labor and Industry to identify MA clients who might qualify for workers' compensation. BRS sends these clients a Work Injury Report (DHS-2903). If they do not complete and return the form, BRS sends the county agency a 2nd notice to mail to the client.

Forward completed Questionnaires and Work Injury Reports to BRS. Terminate eligibility when clients do not return the completed forms to the county agency. If caretakers fail to cooperate, terminate their eligibility, but not the children receiving assistance. Notify BRS (by OD-4068) of cases terminated for non-cooperation. Do not reopen cases for clients with outstanding forms until the forms are completed. Clients are eligible the 1st day of the month in which the county agency receives the completed forms.

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GA: No provisions; however, GA units must comply with GAMC requirements to maintain automatic eligibility for GAMC.

GAMC: Follow MA.